

Rev. 3/2014

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

"Emergency"

ex rei Brandon Jennings)
USP-Hazleton 65213056)
P.O. box 2000)
Bruceston Mills, WV 26525)
(Enter your full name, prison number
and address)

v.

Warden P. Adams, P. McKone,)
Counselor Jorge F-2,)
Case manager Jonash)
USP-Hazleton Employees)
(Enter the full name and address(es),
if know, of the defendant(s) in this
action)

Bivens v. six unknown Federal
Narcotics Agents, 403 U.S. 388(1971)

Case: 1:21-cv-01228
Assigned To : Unassigned
Assign. Date : 5/3/2021
Description: TRO/PI (D-DECK)



COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

Instructions for filing a Complaint by a Prisoner

~~Under the Civil Rights Act, 42 U.S.C. § 1983~~

~~Under Bivens v. six unknown Federal
Narcotics Agents, 403 U.S. 388(1971)~~

This packet contains one copy of a complaint form and one copy of an application to proceed *in forma pauperis*. To start an action, you must file an original and one copy of this complaint form.

Your complaint must be clearly handwritten or typewritten and you must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may use another blank page.

Your complaint can be brought in this Court only if one or more of the named defendants is located within the District of Columbia. Further, you must file a separate for each claim that you have unless they are related to the same incident or problem. The law requires that you state only facts in your complaint.

You must supply a certified copy of your prison trust account, pursuant to the provisions of 28 U.S.C. §1915, effective April 26, 1996. The filing fee is \$400.00. If insufficient funds exist in your prison account at the time of filing your complaint, the court must access, and when funds exist, collect an initial filing fee equal to 20 percent of the greater of:

- (1) the average monthly deposits to your prison account, or
- (2) the average monthly balance of your prison account for the prior six-month period.

Thereafter, you are required to make monthly payments of 20% of the preceding month's income. The agency having custody over you must forward payments from your account to the clerk of the court each time the amount in the account exceeds \$10.00 until the filing fees are paid.

Therefore, before an assessment can be made regarding your ability to pay, you must submit a certified copy of your prison account for the prior six-month period.

When this form is completed, mail it and the copy to the Clerk of the United States District Court for the District of Columbia, 333 Constitution Ave., N.W., Washington, D.C. 20001.

I. SUCCESSIVE CLAIMS

Pursuant to the Prison Litigation Reform Act of 1995, unless a prisoner claims to be in "imminent danger of serious physical injury," he or she may not file a civil action or pursue a civil appeal *in forma pauperis* "if the prisoner has, on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or they failed to state a claim upon which relief could be granted."

II. PREVIOUS LAWSUITS

- A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes () No (✓)
- B. Have you begun other lawsuits in state or federal court relating to your imprisonment? Yes () No (✓)
- C. If your answers to A or B is Yes, describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit.

Plaintiffs: _____

Defendants: _____

2. Court (If federal court, please name the district; if state court name the county.) _____

3. Docket number: _____

4. Name of judge to whom case was assigned: _____

5. Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?) _____

6. Approximate date of filing lawsuit: _____

7. Approximate date of disposition: _____

III. PLACE OF CONFINEMENT

USP-Hazleton

A. Is there a prisoner grievance procedure in this institution? Yes (☒) No ()
If your answer is Yes, go to Question III B. If your answer is No, skip Questions III, B, C and D and go to Question III E.

B. Did you present the facts relating to your complaint in the prisoner grievance procedure?
Yes () No (☒)

C. If your answer is Yes to Question III B:

1. To whom and when did you complain? _____

2. Did you complain in writing? (Furnish copy of the complaint you made, if you have one.) Yes () No ()

3. What, if any, response did you receive? (Furnish copy of response, if in writing.) _____

4. What happened as a result of your complaint? _____

D. If your answer is No to Question III B, explain why not. The party was not
availed the opportunity to remedy upon request and was
denied any access to the grievance procedure.

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No ()

F. If your answer is Yes to Question III E;

1. To whom and when did you complain? _____

V. STATEMENT OF CLAIM

State here briefly as possible the facts of your case. Describe how each defendant is involved. Include the names of other persons involved, dates, and places. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra sheets, if necessary.


1. Upon arrival at USP-Hazleton on the 23th day of October, 2020, while under the supervision of P. Adams the party did not receive a change of clothes for 33 days, nor was the party provided hygiene or cleaning supplies that is to protect against the covid-19.
2. Due to the party's status as a sex trafficker the party was harassed and verbally assaulted by P. McKone, whereas P. McKone has called the party a "BITCH" and has told the party to fuck himself, in retaliation it was stated by P. McKone that he looked at the party's file, in retaliation it was said by P. McKone that the party would not be able to walk this yard, he then wrote a fraudulent charge and had the party placed in the SHU, where the party has been for 4 months.
3. 11th - 16th day of November, 2020, the party while offering prayer was denied shower by F-2 counselor Jorje, as said by Jorje "He's praying so he doesn't get a shower."

VI. RELIEF

State briefly exactly what you want the Court to do for you.

The party is seeking immediate transfer to a facility that house other inmates within the similar status as the party whereas the party will be safe from further harm, Nominal fees in the amount of \$57,000.00, compensatory damages in the amount of \$60,000.00, Punitive damages seeks the termination of employment for each individual involved in the acts, Legal fees in the amount of \$167,000.00. The party also seeks that the Bop implement a more diverse system when considering employment to refute discrimination against inmates. The party also seeks the removal and discharge of the fraudulent charge induced by P. McKone. The party is requesting that legal mail be opened in his presence and that it be delivered within a reasonable time. Total amount in monetary damages \$284,000.00.

Signed this 16th day of April, 2021.



Mustafa Beezy Bay

(Signature of Plaintiff)

I declare under penalty of perjury that the foregoing is true and correct.

April, 16, 2021
(Date)



(Signature of Plaintiff)

Statement of claim - continued

4. Upon seeing/meeting case manager Yonash it was stated to the party not to ask him for "SHIT", him being the liaison between the party and the community or the administration it then deprives the party access to the community or administration. 5. upon the party receiving legal mail at USP-Hazleton it is to be noted of its extreme delay, due to the party's legal mail not being treated as legal mail and instead is being treated as regular mail whereas USP-Hazleton employees has opened and made copy's of the party's legal mail prior to the party receiving the legal mail, which has caused the party the failure to prosecute a matter on appeal, and when receiving the legal mail it is stamped "Does not meet B.O.P. criteria of special Mail Handling", a policy that is to be enforced by the warden P. Adams.